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**RESPONSE UNDER 37 C.F.R. § 1.116
- EXPEDITED PROCEDURE -
EXAMINING GROUP 3600**

Our Docket No.: 42P4495C

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Goldschmidt Iki

Application No.: 09/632,640

Filed: August 4, 2000

For: A Method and Apparatus for
Managing Electronic Commerce

Examiner: Retta, Y.

Art Group: 3622

RESPONSE AFTER FINALMail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In Response to the Final Office Action mailed February 19, 2004, Applicants respectfully request the Examiner to consider the following remark.

The Examiner has rejected claims 1-9, 13-19, 46-55, 57-65 and 67 under 35 U.S.C. § 102(e) as being clearly anticipated by Pickett, U.S. Patent No. 6,012,144 ("Pickett"). The Examiner reiterates the previous rejection and adds a response to Applicant's previous arguments. The Examiner appears to rely on alternatives suggested in the specification to replace words in the claims. While claims are to be interpreted in light of the specification, express limitations of the claims are not to be ignored.

Docket No. 42P4495C
Application No. 09/632,640

1

In the present action, with respect to "sending transactional information via a broadcast channel...", the Examiner seems to suggest that the Internet is a broadcast channel. Applicants respectfully submit that the Internet does not carry broadcast services. Instead, the Internet carries packets to specific IP addresses. The Internet is fundamentally a point-to-point system, not a broadcast service. Some applications, such as streaming audio, are referred to as multicasting, however, this still requires packets to be sent to specific IP addresses.

The Examiner seems to suggest that embodiments described in the specification might use the Internet to send transactional information from an electronic commerce system to consumers. Regardless of embodiments and alternatives described in the specification, the examination should be directed to the claims. Claim 1, for example, recites "via a broadcast channel." It does not recite "via the Internet" or "via a point-to-point data packet carrier."

The Examiner further seems to suggest that the "electronic commerce system" of e.g. Claim 1, that receives a transaction request via a network connection and sends the transaction request to a server system of a business, is the same as Pickett's entity that sells the product and forwards the transaction information to a credit card company. This analogy would seem to ignore many of the express limitations of the claim.

Claim 1, for example, recites, "sending.... to a server system of the business to which the transactional information relates, the consumer information including credit information about the consumer." Note that "the business" in the third element refers back to "a product or service that is for sale by a business" in the first element of the claim. This express claim language is inconsistent with Pickett's sending of information

to a credit card company. First, it is unlikely that credit information, as recited in Claim 1, will be sent to the credit card company of Pickett since the credit card company has its own credit information and bears the credit risk for the transaction. See also Claim 9. Second, the credit card company in Pickett is not selling the product or service. The Examiner's reading of the claim in light of the specification ignores the express limitations of the claim.

Some of the dependent claims contain further limitations that are not shown in Pickett and would be inconsistent with the system of Pickett. Claims 10-13, for example, relate to verifying aspects of the business that is selling the product or service. This would not be done in Pickett as the entities are the same.

The remaining claims, not discussed above, are believed to be allowable on the same or similar grounds, among others.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the above remarks, and that the claims remain in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims be allowed.

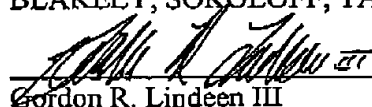
Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 4/14/4


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